

SENATE No. 1417

The Commonwealth of Massachusetts

PRESENTED BY:

Susan C. Fargo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Concord Housing Development Corporation for affordable housing and open space.

PETITION OF:

NAME:

Susan C. Fargo

DISTRICT/ADDRESS:

Third Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make ,
therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the
public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 **SECTION 1.** Notwithstanding the provisions of sections 40E through 40J of chapter 7
2 of the General Laws or any general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may convey to the Concord Housing Development
4 Corporation a portion of a certain parcel of state-owned land in said town, currently under the
5 care and control of the Department of Correction with a physical address at 965 Elm Street and
6 referenced on a map titled “Affordable Housing and Open Space, Concord, Massachusetts” and
7 dated January 9, 2009. Such land will be used for housing, of which 100% shall be deemed
8 affordable housing as determined by the ranges established by the Concord Housing
9 Development Corporation, and for public open space. The commissioner shall determine the
10 exact boundaries of the parcel after completion of a survey. The Concord Housing Development

Corporation shall acquire access to cross the former railroad right-of-way abutting the parcel, shall ensure compatibility for the proposed Bruce Freeman Rail Trail to cross the parcel, and shall provide a second means of access for emergency purposes. The Concord Housing Development Corporation shall ensure a clear field of view as needed for security considerations of the Department of Correction facility and shall have an appropriate setback from the southerly wall of the Department of Correction facility. The Concord Housing Development Corporation shall ensure a development setback from the river and any other dimensional setbacks required by law.

SECTION 2. The consideration for the parcel shall be the full and fair market value of the parcel for the use authorized by this act, determined by the commissioner of capital asset management and maintenance based upon an independent professional appraisal and including the conditions set forth in Section 1. The inspector general shall review and approve the appraisal, and the review shall include a review of the methodology used for the appraisal. The inspector general shall have 30 days after receipt of the appraisal and a report by the commissioner to undertake such review and approval. The inspector general shall submit a report on this review and approval of the appraisal to the commissioner. At least 15 days before conveying the parcel, the commissioner shall submit a copy of said inspector general's report to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on state administration and regulatory oversight.

SECTION 3. The Concord Housing Development Corporation shall be responsible for all costs and expenses of the transaction authorized by this act as determined by the commissioner of capital asset management and maintenance, including but not limited to the costs of any survey, appraisal, and other expenses relating to the conveyance of the parcel, and

34 shall be responsible for all costs, liabilities and expenses of any nature and kind for its
35 ownership. Due to the collaborative effort involved in this project, the Concord Housing
36 Development Corporation may accept funds from the Walden Woods Project in support of and in
37 furtherance of the Concord Housing Development Corporation's responsibilities under this act.

38 **SECTION 4.** The deed or other instrument conveying the parcel to the Concord
39 Housing Development Corporation shall, without limitation, provide that if the parcel ceases at
40 any time to be used for the purposes set forth in this act, title to the parcel shall, at the election of
41 the commonwealth, revert to the commonwealth.